

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1667

VERSUS

GREGORY HARRIS

JAN 08 2015

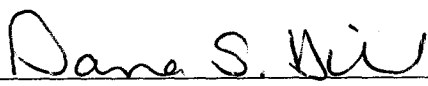
In Re: State of Louisiana, applying for supervisory writs,
20th Judicial District Court, Parish of West
Feliciana, No. 14-WFLN-192.

BEFORE: GUIDRY, THERIOT AND DRAKE, JJ.

WRIT GRANTED. The marijuana evidence at issue was not seized from the defendant's vehicle based solely upon the defendant's un-Mirandized statement to the law enforcement officer. See **Wong Sun v. United States**, 371 U.S. 471, 488, 83 S.Ct. 407, 417, 9 L.Ed.2d 441 (1963). The deputy testified that before he asked the defendant any questions, he smelled marijuana on the defendant's person and emitting from the defendant's vehicle. When the deputy detected the odor of marijuana he acquired probable cause to search the vehicle's interior for the contraband. See **United States v. Ibarra-Sanchez**, 199 F.3d 753, 760 (5th Cir. 1999). Furthermore, exigent circumstances arising from the stop of the car on the open road excused the warrant requirement. **State v. Waters**, 2000-0356 (La. 3/12/01), 780 So.2d 1053, 1058 (per curiam). Accordingly, the trial court's ruling granting the defendant's motion to suppress the evidence obtained from the search is reversed, and this matter is remanded to the trial court for further proceedings.

MRT
EGD
JMG

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DEPUTY CLERK OF COURT
FOR THE COURT